

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The final Office Action dated June 23, 2009 has been received and its contents carefully reviewed.

Claims 1, 4, 6, 8, 10 and 12 are hereby amended. Claims 2 and 3 are hereby canceled without prejudice to or disclaimer of the contents contained therein. Claims 5, 9 and 13-18 were previously canceled. No claims are added. Accordingly, claims 1, 4, 6, 8, 10 and 12 are currently pending.

In the Office Action claims 1, 6 and 10 are objected to for informalities noted therein. Office Action at p. 2, ¶ 4. Applicants have corrected the claims accordingly, and respectfully request that the Office withdraw this objection.

Claims 1-4, 6-8 and 10-12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly claim the subject matter which the Applicants regard as the invention, as discussed in the Office Action. *Office Action* at p. 2, ¶ 6. The rejection of claims 2, 3, 7 and 11 is moot as claims 2, 3, 7 and 11 are canceled herein. Applicants do not necessarily agree with the Office, however, in an effort to advance the application to allowance, Applicants have amended independent claims 1, 6 and 10, and request that the Office withdraw the 35 U.S.C. § 112, first paragraph rejection of claims 1, 6 and 10. Claim 4 depends from independent claim 1; claim 8 depends from independent claim 6 and claim 12 depends from independent claim 10. It stands to reason that the 35 U.S.C. § 112, second paragraph rejection of those dependent claims should be withdrawn as well.

Claims 1-2, 4, 6, 8, 10 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. “A New Control Protocol for Home Appliances - LnCP - 2001.” (Hereinafter “Lee”) in view of U.S. Patent No. 7,028,312 to Merrick et al. (hereinafter “Merrick”). *Office Action* at p. 4, ¶ 10. The rejection of claims 2 and 3 is moot as claims 2 and 3 are canceled herein. Applicants respectfully traverse the rejection of the remaining claims and request reconsideration.

Independent claim 1 is allowable over *Lee* in view of *Merrick* in that claim 1 recites a combination of elements including, for example, “the second electric device receives the

message from the first electric device, extracts the command code and as many arguments as necessary in the version of an applied protocol from the message, discards remaining arguments when the remaining arguments exist, and executes a operation by using the extracted command code and arguments.” The Office admits that “*Lee* is silent regarding the number of arguments according to a version of the protocol of the one electric device for performing the command code, wherein the other electric device executes an operation by using the command code and as many arguments as necessary in the version of the protocol applied to the other electric device.” *Office Action* at p. 5. Thus, *Lee* does not teach or suggest all of the features of claim 1.

Merrick fails to cure the deficiencies of *Lee*. *Merrick* discloses that “the message’s encoding may evolve so that it contains more information than the service was originally designed to accept” and “[t]his mechanism allows the service to continue to function with the new encoding by utilizing only the information that existed in the pervious [*sic*] version of the encoding.” *Merrick* at col. 24:40-45. *Merrick* is entirely silent as to any teaching or suggestion concerning “the second electric device receives the message from the first electric device, ... discards remaining arguments when the remaining arguments exist, and executes a operation by using the extracted command code and arguments,” as recited in independent claim 1.

In the rejection of claims 3, 7 and 11, the Office asserts that U.S. Patent No. 7,421,478 to Muchow (hereinafter “*Muchow*”) “further teaches the other device discards arguments not extracted from the argument field.” *Office Action* at p. 10. Applicants respectfully disagree. *Muchow* fails to cure the deficiencies of *Lee* and *Merrick*. *Muchow* discloses that “[t]he version number enables the receiving node to know the protocol version on which the node should base its processing of the message” and “the extended header length field 818 includes a value, which indicates how much longer the header 802 is for the new protocol system.” *Muchow* at col. 21:51-56. “By including the version number field 816 and the extended length field 818, nodes that cannot process all the elements of the current version of the protocol are still able to process those fields that are known.” *Muchow* at col. 21:57-61. *Muchow* is entirely silent as to any teaching or suggestion concerning “the second electric device receives the message from the first electric device, ... discards remaining arguments when the remaining arguments exist, and executes a operation by using the extracted command code and arguments.” Accordingly, none of the cited references, singly or in combination, teaches or suggests all of the features as recited in independent claim 1.

Independent claim 6 is allowable over *Lee* in view of *Merrick* in that claim 6 recites a combination of elements including, for example, “an upper layer which is configured to: receive from the lower layer the message, extract a command code from the message, extract as many arguments as necessary in the version of the protocol applied to the electric device from the argument field, discard remaining arguments when the remaining arguments exist; and execute the command code using the extracted arguments.” Nothing in *Lee* and *Merrick*, individually or combined, teaches or suggests at least this feature of the claimed invention. Hence, for the same or similar reasons discussed above regarding claim 1, Applicants respectfully assert that *Lee* and *Merrick*, individually or combined, do not teach or suggest at least the above feature of claim 6, and respectfully submits that independent claim 6 is allowable over *Lee* and *Merrick*.

Independent claim 10 is allowable over *Lee* in view of *Merrick* in that claim 10 recites a combination of elements including, for example, “extracting, at the second electric device, a command code from the message; extracting, at the second electric device, as many arguments as necessary in the version of a protocol applied to the second electric device; discarding, at the second electric device, remaining arguments when the remaining arguments exist; and executing, at the second electric device, the command code using the extracted arguments.” Nothing in *Lee* and *Merrick*, individually or combined, teaches or suggests at least this feature of the claimed invention. Hence, for the same or similar reasons discussed above regarding claim 1, Applicants respectfully assert that *Lee* and *Merrick*, individually or combined, do not teach or suggest at least the above feature of claim 10, and respectfully submits that independent claim 10 is allowable over *Lee* and *Merrick*.

For at least these reasons, Applicants respectfully request that the Office withdraw the 35 U.S.C. § 103(a) rejection of independent claim 1. Claim 4 depends from independent claim 1, claim 8 depends from independent claim 6 and claim 12 depends from independent claim 10. It stands to reason that the 35 U.S.C. § 103(a) rejection of those dependent claims should be withdrawn as well.

Claims 3, 7 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lee* in view of *Merrick* and further in view of U.S. Patent No. 7,062,531 to Kim (hereinafter “*Kim*”). *Office Action* at p. 10, ¶ 7. The rejection of claims 3, 7 and 11 is moot as claims 3, 7 and 11 are canceled herein.

CONCLUSION

The application is in condition for allowance. Early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to Deposit Account No. 50-0911.

Dated: September 23, 2009

Respectfully submitted,

By: /Michael I. Angert/
Michael I. Angert
Registration No.: 46,522
MCKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006
(202) 496-7500
Attorneys for Applicant